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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/568,941
Filing Date	February 21, 2006
First Named Inventor	Michael Horstmann et al.
Art Unit	1614
Examiner Name	
Attorney Docket Number	R04150US (#90568)

Total Number of Pages in This Submission

ENCLOSURES *(Check all that apply)*

- [ ] Fee Transmittal Form
- [ ] Fee Attached
- [ ] Amendment/Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Reply to Missing Parts/ Incomplete Application
  - [ ] Reply to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert to a Provisional Application
- [X] Power of Attorney, ~~Revocation~~ Change of Correspondence Address
- [ ] Terminal Disclaimer
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- [ ] CD, Number of CD(s) _____
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- [ ] After Allowance Communication to TC
- [ ] Appeal Communication to Board of Appeals and Interferences
- [ ] Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- [ ] Proprietary Information
- [ ] Status Letter
- [X] Other Enclosure(s) (please Identify below):

Post card
Transmittal ltr w/Power of Attorney & International Preliminary Report on Patentability

Remarks

Please charge any additional fees or credit any overpayment to Deposit Account No. 08-2441.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	D. Peter Hochberg Co., L.P.A.		
Signature			
Printed name	D. Peter Hochberg		
Date	January 26, 2007	Reg. No.	24,603

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	Christine Kotran		
Typed or printed name	Christine Kotran	Date	1/26/2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael Horstmann et al.

Serial No.: 10/568,941

Filed: February 21, 2006 / Conf. No. 7611

Title: TRANSDERMAL PHARMACEUTICAL PREPARATION CONTAINING ACTIVE SUBSTANCE COMBINATIONS FOR TREATING PARKINSON'S, DISEASE

Examiner: __ / Art Unit: 1614

Attorney File: RO4150US (#90568)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL FOR POWER OF ATTORNEY AND INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

Sir:

Enclosed for entry on the records of the USPTO are a Power of Attorney duly executed by the inventors and an English translation of the International Preliminary Report on Patentability rendered on the parent International Application No. PCT/EP2004/009136. The IPRP was transmitted to the designated/elected Offices on July 20, 2006.

Respectfully submitted,

By: _____
D. Peter Hochberg
Reg. No. 24,603

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Enc.

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I hereby certify that this document, and anything indicated as being attached or enclosed, is being deposited with the United States Postal Service as First Class mail in an envelope addressed: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on the date noted below.

Christine Kotran: Christine Kotran

Date: 1/26/2007

PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rules 44*bis*.3(c) and 72.2)

To:

FLACCUS, Rolf-Dieter
Bussardweg 10
50389 Wesseling
ALLEMAGNE

Date of mailing *(day/month/year)* 20 July 2006 (20.07.2006)	
Applicant's or agent's file reference LTS 2003/005 PCT	**IMPORTANT NOTIFICATION**
International application No. PCT/EP2004/009136	International filing date *(day/month/year)* 14 August 2004 (14.08.2004)
Applicant LTS LOHMANN THERAPIE-SYSTEME AG et al	

1. **Transmittal of the translation to the applicant.**

☐ The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).

☑ The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. **Transmittal of the copy of the translation to the designated or elected Offices.**

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

KR

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. **Reminder regarding translation into (one of) the official language(s) of the elected Office(s).**

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Agnes Wittmann-Regis Facsimile No. +41 22 338 82 70

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference LTS 2003/005 PCT	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/009136	International filing date *(day/month/year)* 14.08.2004	Priority date *(day/month/year)* 20.08.2003

International Patent Classification (IPC) or national classification and IPC
A61K9/70

Applicant
LTS LOHMANN THERAPIE-SYSTEME AG

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

   a. ☐ *(sent to the applicant and to the International Bureau)* a total of _____ sheets, as follows:

      ☐ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

      ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

   b. ☐ *(sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s))

      _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☒	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☒	Box No. VII	Certain defects in the international application
☐	Box No. VIII	Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP Facsimile No.	Authorized officer Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/009136

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

☐ international search (Rule 12.3 and 23.1(b))

☐ publication of the international application (Rule 12.4)

☐ international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☐ the international application as originally filed/furnished

☒ the description:

pages 1-15 as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☒ the claims:

nos. _____ as originally filed/furnished

nos.* _____ as amended (together with any statement) under Article 19

nos.* 1-13 received by this Authority on 14.06.2005 with letter of 13.06.2005

nos.* _____ received by this Authority on _____

☐ the drawings:

sheets _____ as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing *(specify)*: _____

☐ any table(s) related to sequence listing *(specify)*: _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing *(specify)*: _____

☐ any table(s) related to sequence listing *(specify)*: _____

* *If item 4 applies, some or all of those sheets may be marked "superseded."*

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/009136

Box No. II Priority

1. ☒ This report has been established as if no priority had been claimed due to the failure to furnish within the prescribed time limit the requested:

   ☒ copy of the earlier application whose priority has been claimed (Rule 66.7(a)).

   ☐ translation of the earlier application whose priority has been claimed (Rule 66.7(b)).

2. ☐ This report has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rule 64.1). Thus for the purposes of this report, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/009136

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-13	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-13	NO
Industrial applicability (IA)	Claims	1-13	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

Novelty

1. Claims 1-13 appear to meet the requirements of PCT Article 33(2) for novelty, since none of the prior art citations discloses the subject matter of these claims (transdermal medicinal preparation containing said combination of active substances).

Inventive step

2. The present invention can therefore be considered to address the problem of providing "alternative combination therapies for treating Parkinson's disease".

The solution consists in **transdermal** medicinal preparations.

Transdermal medicinal preparations which contain dopamine agonists are already known from the prior art (cf. D7, D8 and D11).

The subject matter of claims 1 and 2 differs from documents D7, D8 and D11 in that the claimed medicinal preparation contains additional active substances. This **combination of particular active substances in a**

transdermal medicinal form is unknown from the prior art.

These active substances have already been successfully administered transdermally as a combination therapy, but not in the claimed combinations (cf. D2: MAO-B inhibitor and anticholinergic agents; D3: MAO-B inhibitor and dopamine agonist; D4: MAO-B inhibitor and NMDA agonist).

In view of the explanations in the prior art, a person skilled in the art would consider it a conventional procedure to combine a dopamine agonist or L-dopa with other anti-parkinsonian agents, in order to achieve the same effect.

This type of transdermal combination, as defined in the claims, can only be considered inventive if the particular combination of active substances shows unexpected effects or properties in relation to the prior art. **However, the application does not indicate such effects or properties.**

Consequently, the application cannot be recognised to involve an inventive step (PCT Article 33(3)).

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/009136

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

PCT Article 19

The new claim 7 is not allowed because the specific combination of sympathicomimetic agents with the active substances mentioned in the preceding claims was not explicitly disclosed in the original application.